

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION-DETROIT

IN THE MATTER OF:

Case No. 21-42581

Chapter 7

Moose M. Scheib,  
Debtor  
and

Hon. Mark A. Randon

KELLY SILVERA JARRETT  
Plaintiff,

Adv. Proc. No. 21-04167  
Hon. Mark A. Randon

v.

MOOSE SCHIEB, a/k/a MUSTAPHA SCHIEB  
a/k/a MUSTAPHA CHEAIB,  
Defendant.

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**MOTION ON BEHALF OF PLAINTIFF KELLY S. JARRETT  
TO ADJOURN 09-13-2022 TRIAL**

Plaintiff, Kelly Jarrett, through undersigned counsel, states for her Motion as follows:

1. This is an adversary proceeding.
2. Ms. Jarrett, who holds dual British and Jamaican citizenship, gave \$500,000 to debtor for the sole purpose of furthering her immigration to the United States under the EB-5 Immigration Program. Ms. Jarrett alleges that Mr. Scheib did not use the money for that purpose but, instead, converted it to his own use.
3. Trial is set for September 13, 2022.

4. The undersigned is counsel for Ms. Jarrett and will be trying the case on her behalf.

5. Ms. Jarrett will be travelling in from Jamaica to attend the trial. Plaintiff also anticipates calling immigration attorney Rohit Turkhud, based in New York City, who represented Ms. Jarrett in connection with the attempted EB-5 application process.

6. The undersigned is co-lead counsel in an action pending in the Wayne County Circuit Court entitled *Estate of Wayne Saunders v USF Holland Trucking*, Wayne County Circuit Case No. 20-011000-NO. This is a wrongful death action which is to be tried to a jury before the Hon. Edward Ewell, Jr.

7. Judge Ewell has set a jury trial to commence on September 12, 2022. Ex. 1. As such, the trial before Judge Ewell conflicts with the trial scheduled before this Court.

8. Given this conflict, the undersigned requests this Court adjourn the trial of this action no less than 21 days to allow the undersigned sufficient time to compete the Wayne County Circuit Court action.

9. This is the first request to adjourn the trial.

10. The undersigned submits good cause exist given the conflict detailed above.

11. Concurrence has been sought from Mr. Scheib but there has been no response.

12. Attached as Ex. 2 is a proposed order.

Wherefore, Plaintiff Kelly Jarrett requests this Court adjourn the trial date at least 21 days, to a date and time set by the Court.

Respectfully submitted,

**JOHNSON LAW, PLC**

By: /s/ Paul F. Doherty  
Paul F. Doherty (P36579)  
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Date: August 8, 2022

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**BRIEF IN SUPPORT OF MOTION ON BEHALF OF  
PLAINTIFF KELLY S. JARRETT  
TO ADJOURN 09-13-2022 TRIAL**

**I. INTRODUCTION**

This adversary proceeding involves Plaintiff's claim that Debtor, Moose Schieb, converted \$500,000 she transferred to him for the *sole* purpose of furthering her application to immigrate to the United States under the EB-5 Investor Visa Program. The Program provides a method for eligible immigrant investors to become lawful permanent residents by investing substantial capital (at the time the minimum was \$500,000) to finance a business in the United States that would employ at least 10 American workers. Debtor admits to the receipt of the funds, that

an EB-5 compliant business was never started or invested in, and the money is gone. Yet, Debtor denies conversion and fraud.

## **II. PROCEDURAL HISTORY**

Plaintiff initiated this adversary proceeding by the filing of her complaint on 07/27/2021, ECF Doc. 1; an amended complaint was filed the same day, ECF Doc. 3. Debtor's answer was filed 08/26/2021, ECF Doc. 7. On 01/25/2022 this Court allowed Debtor's counsel to withdraw. ECF Doc. 15. Debtor has proceeded *pro se* since. The Court conducted an initial scheduling conference on April 18, 2022 at which Debtor failed to appear. Thereafter, the Court entered an Order Regarding Trial, ECF Doc. 17, rescheduling the final pretrial conference for May 19, 2022. At the May 19, 2022 pretrial conference, this Court denied debtor's oral motion to file a dispositive motion and set the trial for September 13, 2022. ECF Doc. 19.

## **III. ARGUMENT**

According to this Court's "Notice Regarding Conduct of Hearings":

**Requests for adjournments.** Requests for adjournments should be made strictly in conformance with L.B.R. 5071-1, except that one adjournment of a hearing on a motion or initial status conference in an adversary proceeding shall be permitted by telephone to Ms. Binion if all counsel to the hearing have agreed. A stipulated order must be submitted to the Court for entry.

L.B.R. 5071-1, entitled "Adjournment of a Pretrial Conference, Hearing or Trial," provides that with respect to a scheduled trial date, "[t]he court will consider

an adjournment of an evidentiary hearing or a trial only on a motion or a stipulation of all interested parties, establishing good cause, submitted at least three Business Days before the hearing or trial. A motion must state whether opposing counsel objects to the requested adjournment.”

As noted in the Motion, Plaintiff sought concurrence from Debtor, but there was no response. Nevertheless, given the undersigned is scheduled to start a jury trial in Wayne County Circuit Court in a 2020 case, the undersigned submits good cause has been shown. The undersigned participated in an 8-hour facilitation session in this case with retired Judge Lita Popke on July 21, 2022 and while Judge Popke is hopeful there will be continuing discussions, no settlement has been reached. The undersigned delayed this motion in the hopes a settlement could be reached but this does not appear likely as of this writing hence necessitating the filing of this Motion. Further, given Ms. Jarrett will be travelling for the trial from Jamaica and attorney Turkhud will be coming in from NYC, the undersigned did want to put these individuals in a position of cancelling travel plans at the last minute.

The undersigned anticipates the trial of the Wayne County action, a wrongful death case versus a national commercial trucking carrier, will last at least two weeks and, therefore, requests at last a 21-day adjournment.

#### **IV. CONCLUSION**

For the forgoing reasons, Plaintiff Kelly Jarrett requests this Court adjourn trial at least 21 days.

Respectfully submitted,

**JOHNSON LAW, PLC**

By: /s/ Paul F. Doherty

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